



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2290

DATE SCANNED

3/20/12

SCANNER NO.

2

SCAN OPERATOR

EE5

12092680176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 31, 2011

MEMORANDUM

12092680177

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *JW* JODI WINSHIP/SARI PICKERALL *SP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 30 DAY
POST-GENERAL REPORT (AUTHORIZED COMMITTEES) FOR
THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. 434(a). The list is comprised of authorized committees whose candidates sought election in the November 2nd General Election.

The committees listed in the attached RTB Circulation Report filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report

2010 POST-GENERAL Not Election Sensitive 12/02/2010 AUTH (CA, FL, GA, KY, MA, NC, NY, OH, PA, TX, VT)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Recapit Date	Days Late	LOA	RTB Penalty
2284	C00483495	BOB TURNER FOR CONGRESS	TURNER, ROBERT L.	KEVIN P. TURNER	\$753,762	0	1/13/2011	Not Filed	\$88,572	\$3,850
2285	C00473686	BRYAN UNDERWOOD FOR CONGRESS	UNDERWOOD, BRYAN KEITH	BRADLEY DAX UNDERWOOD	\$284,311	0	12/13/2010	11	\$83,253	\$1,650
2286	C00326066	CIRO RODRIGUEZ FOR CONGRESS	RODRIGUEZ, CIRO D.	LUIS R. VERA	\$2,959,474	0		Not Filed	\$328,830 (est)	\$8,800
2287	C00486902	CITIZENS FOR JOHN HAGER	HAGER, JOHN VICTOR	ANDREW A. HAGER	\$195,293	0		Not Filed	\$97,647 (est)	\$3,850
2288	C00488536	COMMITTEE TO ELECT MARYANNE LEWIS	LEWIS, MARYANNE	WENDI NELSON	\$163,900	0	1/30/2011	Not Filed	\$53,470	\$2,970
2289	C00462929	COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS	VEREEN, RODERICK D.	CHUCK MOGBO	\$183,104	1		Not Filed	\$32,184 (est)	\$1,237
2290	C00460948	FRIENDS OF RAY	MCKINNEY, SR., RAYMOND LOUIS	MARIAN MCKINNEY	\$349,216	0		Not Filed	\$87,304 (est)	\$3,850
2291	C00483289	HEALY FOR NY	HEALY, TIMOTHY J.	JULIAN H. GINGOLD	\$198,517	0		Not Filed	\$66,172 (est)	\$2,970
2292	C00467043	JEFF DOCTOR FOR CONGRESS	DOCTOR, JEFFREY JAMES	SHARI-ELLEN GOLDSTEIN	\$195,817	0		Not Filed	\$32,636 (est)	\$990
2293	C00459909	JOHN WALTZ FOR CONGRESS COMMITTEE	WALTZ, JOHN WILLIAM	JANIE ELIZABETH WALTZ	\$843,093	0	1/29/2011	Not Filed	\$103,095	\$4,950
2294	C00472597	LEN BRITTON FOR VERMONT	BRITTON, LEONARD WHEELER	CHARLES TAYLOR	\$463,831	0	12/9/2010	7	\$119,477	\$1,535

2296	C00477141	O'NEILL FOR CONGRESS 2010	O'NEILL, WILLIAM MICHAEL	JAMES MUELLER	\$278,142	0	12/10/2010	8	\$26,192	\$360
2297	C00411991	PATRICK MURPHY FOR CONGRESS	MURPHY, PATRICK J.	LINDSAY F. ANGERHOLZER	\$8,537,802	0	1/25/2011	Not Filed	\$1,553,296	\$12,000
2298	C00464347	TIM ALLISON FOR CONGRESS	ALLISON, TIMOTHY JAMES	SUSAN HERRERA	\$341,248	0	12/8/2010	6	\$56,781	\$825
2299	C00465336	TOM WESLEY FOR US CONGRESS	WESLEY, TOM	PAUL M. YANOVITCH	\$209,658	0		Not Filed	\$29,951 (est)	\$999

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Reason To Believe Recommendation - 2010)
 30 Day Post-General Report (Authorized)
 Committees) for the Administrative Fine)
 Program:)

BRYAN UNDERWOOD FOR) AF# 2285
 CONGRESS, and BRADLEY DAX)
 UNDERWOOD as treasurer;)
 O'NEILL FOR CONGRESS 2010, and) AF# 2296
 JAMES MUELLER as treasurer;)
 LEN BRITTON FOR VERMONT, and) AF# 2294
 CHARLES TAYLOR as treasurer;)
 TIM ALLISON FOR CONGRESS, and) AF# 2298
 SUSAN HERRERA as treasurer;)
 BOB TURNER FOR CONGRESS, and) AF# 2284
 KEVIN P TURNER as treasurer;)
 CIRO RODRIGUEZ FOR CONGRESS,) AF# 2286
 and VERA, LUIS R. MR. as treasurer;)
 CITIZENS FOR JOHN HAGER, and) AF# 2287
 ANDREW A HAGER as treasurer;)
 COMMITTEE TO ELECT MARYANNE) AF# 2288
 LEWIS, and WENDI NELSON as)
 treasurer;)
 COMMITTEE TO ELECT RODERICK) AF# 2289
 VEREEN FOR CONGRESS, and CHUCK)
 MOGBO as treasurer;)
 FRIENDS OF RAY, and MCKINNEY,) AF# 2290
 MARIAN as treasurer;)
 HEALY FOR NY, and JULIAN H) AF# 2291
 GINGOLD as treasurer;)
 JEFF DOCTOR FOR CONGRESS, and) AF# 2292
 SHARI-ELLEN GOLDSTEIN as treasurer;)
 JOHN WALTZ FOR CONGRESS) AF# 2293
 COMMITTEE, and JANIE ELIZABETH)
 WALTZ as treasurer;)
 PATRICK MURPHY FOR CONGRESS,) AF# 2297
 and ANGERHOLZER, LINDSAY F. as)
 treasurer;)

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TOM WESLEY FOR US CONGRESS, and) AF# 2299
PAUL M YANOVITCH as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 02, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 30 Day Post-General Report (Authorized Committees) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated January 31, 2011, on the following committees:

AF#2285 Decided by a vote of 6-0 to: (1) find reason to believe that BRYAN UNDERWOOD FOR CONGRESS, and BRADLEY DAX UNDERWOOD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2296 Decided by a vote of 6-0 to: (1) find reason to believe that O'NEILL FOR CONGRESS 2010, and JAMES MUELLER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2294 Decided by a vote of 6-0 to: (1) find reason to believe that LEN BRITTON FOR VERMONT, and CHARLES TAYLOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly,

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Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2298 Decided by a vote of 6-0 to: (1) find reason to believe that TIM ALLISON FOR CONGRESS, and SUSAN HERRERA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2284 Decided by a vote of 6-0 to: (1) find reason to believe that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2286 Decided by a vote of 6-0 to: (1) find reason to believe that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2287 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR JOHN HAGER, and ANDREW A HAGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2288 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT MARYANNE LEWIS, and WENDI NELSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2289 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2290 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF RAY, and MCKINNEY, MARIAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

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the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2291 Decided by a vote of 6-0 to: (1) find reason to believe that HEALY FOR NY, and JULIAN H GINGOLD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2292 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF DOCTOR FOR CONGRESS, and SHARI-ELLEN GOLDSTEIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2293 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN WALTZ FOR CONGRESS COMMITTEE, and JANIE ELIZABETH WALTZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2297 Decided by a vote of 6-0 to: (1) find reason to believe that PATRICK MURPHY FOR CONGRESS, and ANGERHOLZER, LINDSAY F. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2299 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WESLEY FOR US CONGRESS, and PAUL M YANOVITCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 4, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 7, 2011

Marian McKinney, in official capacity as Treasurer
Friends of Ray
4243 Oak Park Hwy.
Lyons, GA 30436

C00480848
AF#: 2290

Dear Ms. McKinney:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled general election for which the candidate sought election. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file the report if you have not already done so.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On February 2, 2011, the FEC found that there is reason to believe ("RTB") that Friends of Ray and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,850. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$3,850 is due within forty (40) days of the finding, or by March 14, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$87,304
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or March 14, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Ray and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

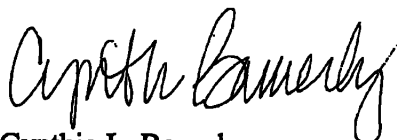
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$3,850 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by March 14, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Ray

FEC ID#: C00480848

AF#: 2290

PAYMENT DUE DATE: March 14, 2011

PAYMENT AMOUNT DUE: \$3,850

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FEC OFFICE OF
ADMIN REVIEW

(1)

2011 MAR 15
Office of Administrative Review
999 E. Street N.W.
Washington, D.C. 20463

Friends of Ray
Ref C00480848

To: Sari Pickering

Sari I am really nervous, so my writing
and errors I'm sure will be in the letter. I
have been told that illness, no computer problems
nor nothing else excused you from reporting late.
I am writing to be excused from the fine of \$850⁰⁰
which I think that is what it is. If I don't go
to jail.

But I can make arrangements.
When my son started to run he had a
girl named Tamara Hadden that agreed & agreed she
would do it. Well she totally forgot, it took us 3 days
to find her & when we got the 2D color Ray filled
out the form. After that we had to change it
over to me and we had no one else. I am 65 yrs
old and can do accounting but do not know the
computer that well.

When I spoke to Ray to a man named Charles L.

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To get the reports in I stayed up sometime 24 hrs & worked on them, but your system would not take them, over, & over, & over I tried but it would not take them.

I spoke with Robin Kelly a great deal, please ask her, & I spoke with Stephany alot please ask her.

I tried my best, I cried, I walked around it would not go thru.

This was report after report, after report. When I got Stephany on the phone she somehow talk me thru sending it and they would get it.

Then on the Very Last report Stephany came up with an idea because we had so many problems getting all of this sent. Stephany found out the wrong program had been loaded on to my computer, when she found that and we unboxed, then uploaded the correct one by the Grace of God it worked. When we sent the first report I was using Windows, that computer went down, my daughter was able to put the stuff on a disk. My daughter

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(3)

Bought me a new laptop, but it was (Vista 7)
so when we put the programs in and we
tried to have what you had listed for (Vista 7)
we loaded it but it was no good. So
when Stephen had me install the program
and the program also said would work - which
was found out on the last report.

So the following I have been through

1) ~~1500~~ ^{for} not even doing anything

2) computer crashing

3) wrong program linked

4) sick husband from that time that has VA want even
of the money

5) me with severe spinal cord
injury + low blood count

6) finally getting correct program
for Vista 7

Although you need none of the illness under or
diff. well when you have it every day it does.
So I am asking you to please drop the fine,
give me the full time. I will do what I
can do.

I hope + pray you
drop the fine + call me about jail -

Thank you, Maria McKay

I am just trying to help and needed things are

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

March 16, 2011

Marian McKinney, in her official capacity as Treasurer
Friends of Ray
4243 Oak Park Highway
Lyons, GA 30436

C00480848
AF# 2290

Dear Treasurer:

On March 15, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

12092680191

**FEC OFFICE OF
ADMIN REVIEW**

2011 MAR 17 A 9:11

Date: March 16, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2290

Committee Name: Friends of Ray

Committee ID#: C00480848

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

**Copy of RTB Circulation Report, dated January 31, 2011 and RTB
Certification, dated February 2, 2011 (Y/N): N**

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 General Election Report Prior Notice, dated November 8, 2010.

-Non-Filer Notice, dated December 22, 2010.

-RTB Letter, dated February 7, 2011.

Attachment #: 3

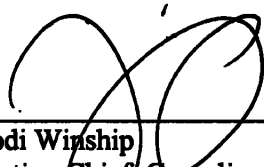
Other RAD Information: (Y/N): N

Attachment#: N/A

12092680192

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Friends of Ray:
 - A) Prior Notice, dated November 8, 2010, referencing the 2010 General Election Report (sent via electronic mail to: VOLMARIANNE@GMAIL.COM);
 - B) Non-Filer Letter, dated December 22, 2010, referencing the 2010 Post-General Report;
 - C) Reason-to-Believe Letter, dated February 7, 2011, referencing the 2010 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Friends of Ray filed the 2010 30 Day Post-General Report with the Commission on February 16, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 16th day of March, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

November 8, 2010

**** REMINDER ****

All principal campaign committees of congressional candidates (including unopposed candidates and candidates whose names did not appear on the ballot) who sought election in the 2010 General Election must file a Post-General Election Report.

NOTE: In election years, the reporting period for the Post-General Election Report spans two election cycles. For this report only, committees should not use the normal Detailed Summary Page. Instead, committees should use the Post-Election Detail Summary Page (FEC Form 3, pages 5-8).

Reports sent by Registered or Certified Mail must be postmarked by the mailing deadline (December 2, 2010). If using Overnight Mail, the delivery service must receive the report by the mailing deadline (December 2, 2010). Otherwise, the report must be received by the filing deadline (December 2, 2010).

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 2010

RQ-7

MARIAN MCKINNEY, TREASURER
FRIENDS OF RAY
4243 GAK RRRR HWY.
LYONS, GA 30435

IDENTIFICATION NUMBER: C00480848

REFERENCE: POST-GENERAL REPORT 10/14/2010 - 11/22/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacoba

DEBBIE CHACOBIA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
WASHINGTON, D.C.

MAY 17 2 34 PM '11

SENSITIVE

May 17, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2290 – Friends of Ray and
Marian McKinney, in her official capacity as Treasurer (C00480848)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

12092680196



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2290 – Friends of Ray and Marian McKinney, in her official capacity as Treasurer
(C00480848)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty.

Reason-to-Believe Background

On February 2, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated February 7, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") requires that post-general reports must be filed by the treasurer of a principal campaign committee no later than the 30th day after any general election in which the candidate has sought election and shall be complete as of the 20th day after the general election. 2 U.S.C. § 434(a)(2)(A)(ii) and 11 C.F.R. § 104.5(a)(2)(ii). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 2 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On March 15, 2011, the Commission received the written response ("challenge") from the Treasurer, Marian McKinney, requesting to be excused from the \$3,850 fine. The Treasurer states that she is 65 years old, can do accounting but does not know the computer that well and only became Treasurer for her son because they had no one else to do it. She further states that to get the reports filed, she worked on them for hours and tried many times but could not get our system to take them. In her efforts to file the reports, she spoke with Commission representatives Robin Kelly and Stefanie a great deal. Stefanie was somehow able to talk her through uploading the reports successfully.

The Treasurer states that their first report was filed using Windows, and when that computer crashed, she received a new laptop that used Vista 7. She states that they loaded what the Commission "had listed for Vista 7" but it was incorrect. Stefanie had her dissolve that program and load the program that would work, but this was not until their last report was filed. Given that her computer

crashed, she installed the wrong program, the illness of she and her husband, and the time it took to get the correct program for Vista 7, the Treasurer asks that the fine be dropped.

Analysis

The 30 Day Post-General Report was filed on February 16, 2011, 76 days late.

The respondents were notified on three occasions, once before the due date and twice after the due date, that they must file this report. On November 8, 2010, the Report Notice for the Post-General Election Report was sent via email to "VOLMARIANNE@GMAIL.COM," the email address disclosed on their Statement of Organization. On December 3, 2010, one day after the deadline, the Electronic Filing Office ("EFO") sent an email notification to "ray@rayMcKinney.org," an email address provided by the respondents, stating that they failed to file the report. They were notified again when RAD sent the non-filer letter on December 22.

The challenge indicates that the Treasurer spoke with her Reports Analyst, Robin Kelly, on several occasions. Commission records indicate that the Reports Analyst spoke to or left a message for the Committee ten times between December 2010 and February 14, 2011. The RAD telecom ("written records of telephone conversations") of the first conversation on December 27, indicates that the Analyst called the Treasurer to assist her with correcting their election-cycle-to-date ("ectd") totals on the 12 Day Pre-Runoff, October Quarterly, and 12 Day Pre-General Reports. The Analyst informed the Treasurer that failing to correct the totals would result in the Committee being referred for further action. The Treasurer replied that she had been sick and was not sure if she would be able to correct the reports. During this conversation the Analyst also reminded the Treasurer that the Committee had not yet filed the 30 Day Post-General Report. The Treasurer again stated that she had not been able to file the report because she was sick.

On February 2, 2011, The Treasurer informed the Analyst that she worked all night to correct the reports and would try to send them that night. On February 3, the Treasurer spoke with both the Reports Analyst and the Electronic Filing Office ("EFO") in an effort to upload her 2010 12 Day Pre-Runoff and Pre-General Amendments. On this day, the Reports Analyst also reminded the Treasurer of her need to file the 30 Day Post-General Report. The Amended 12 Day Pre-Runoff and October Quarterly Reports were filed on February 3. The Treasurer spoke with the Reports Analyst and EFO again on February 7, 8, and 10 regarding the filing of Amended 12 Day Pre-General Report which occurred on February 10.

Although the challenge contends that the Treasurer spoke with both the Reports Analyst and the EFO on several occasions in an effort to file the Committee's reports, it appears that these conversations related to filing of the Amended 12 Day Pre-Runoff, October Quarterly and 12 Day Pre-General Reports which required corrected ECTD totals in order to avoid referral for further action.

Commission records indicate that the Treasurer did not contact the Commission for assistance with filing the 30 Day Post-General Report until February 14 when she called the EFO for assistance with combining multiple datasets in order to file the report. The Treasurer called the EFO the following day for assistance with creating a Post General Report, and again on February 16 for assistance with correcting some validation errors. The report was filed on February 16, just two days after the Treasurer first called for assistance with the report.

The challenge also contends that the respondents downloaded the incorrect program when switching from a Windows operating system to a Vista 7 operating system following the crashing of the Treasurer's computer. EFO records indicate that on September 20, the Treasurer called for assistance with installing the FECFile software on her new laptop and she subsequently downloaded the software twice on that day. It is unclear whether the respondents switched to a Windows 7 or Windows Vista operating system, when their original computer crashed, as there is no Vista 7 operating system; however, the Information Technology Division ("ITD") Manager confirms that the Commission's FECFile software has been compatible with both the Windows 7 and Windows Vista operating systems, in addition to other Windows operating systems, since the respondents first downloaded the FECFile software on August 13, 2010. Therefore, a change in operating system would have not prevented the respondents from filing the 30 Day Post-General Report. The ITD Manager verifies that there are no known problems or issues that would have prevented the respondents from filing the report.

With respect to the "jail time" the Treasurer requests in order to cover the fine, as the Compliance Analyst advised the Treasurer during their February 25 conversation, the Administrative Fines Program does not include jail time. As detailed in the RTB letter sent to the respondents, unpaid civil money penalties are subject to the Debt Collection of 1982, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* As such, unpaid civil money penalties may be referred to the U.S. Department of Treasury for collection. 11 C.F.R. § 111.51(a)(2).

Failure to use filing software properly, committee computer failures, and illness and/or inexperience of the treasurer are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). Those are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issue raised in the challenge (the illness of the Treasurer's husband), also does not fall within the list of valid grounds at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2290 Friends of Ray and Marinn McKinney, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2290 that Friends of Ray and Marian McKinney in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

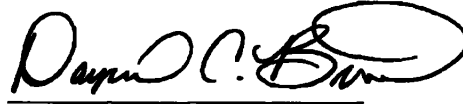
- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 30 Day Post-General Report is due December 2, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 2, 2010 to be timely filed.
3. It is the practice of the Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/electfil/electron.shtml> for the use of committees and treasurers who are electronic filers.
4. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
5. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Page 1 of the Statement of Organization filed by Friends of Ray and Marian McKinney, in her official capacity as Treasurer. According to the Commission's records, the document is dated and was received on August 4, 2010 and lists "volmacianne@gmail.com" as the Committee's email address; and
 - b) Page 1 of the Summary Page for the Amended 2010 12 Day Pro-Runoff Report electronically filed by Friends of Ray and Marian McKinney, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through July 21, 2010, and was received on February 3, 2011; and
 - c) Page 1 of the Summary Page for the Amended 2010 October Quarterly Report electronically filed by Friends of Ray and Marian McKinney, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from July 22 through September 30, 2010, and was received on February 3, 2011; and
 - d) Page 1 of the Summary Page for the Amended 2010 12 Day Pre-General Report electronically filed by Friends of Ray and Marian McKinney, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through October 13, 2010, and was received on February 10, 2011; and
 - e) Page 1 of the Summary Page for the 2010 30 Day Post-General Report electronically filed by Friends of Ray and Marian McKinney, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 14 through November 22, 2010, and was received on February 16, 2011.

12092680200

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 17th day of May, 2011.

A handwritten signature in black ink, appearing to read "Dayna C. Brown", is written over a horizontal line.

Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

12092680201

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines

12FE4M5

Friends of Ray

ADDRESS (number and street)

4243 Oak Park Hwy.

X (Check if address
is changed)

Lyons

GA

30436

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

X (Check if address
is changed)

volmarianne@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address
is changed)

ray@raymckinney.org

2. DATE M M D D Y Y Y Y
0 8 0 4 2 0 1 0

3. FEC IDENTIFICATION NUMBER

C C00480848

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer Marian McKinney

Signature of Treasurer Electronically Filed by Marian McKinney

Date M M D D Y Y Y Y
0 8 0 4 2 0 1 0

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100**FEC FORM 1**
(Revised 02/2009)

12092680202

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

Friends of Ray

ADDRESS (number and street)

4243 Oak Park Hwy.

Check if different
than previously
reported. (ACC)

Lyons

GA

30436

2. FEC IDENTIFICATION NUMBER

C00480848

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

GA

12

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

X

Runoff (12R)

Convention (12C)

Special (12S)

Election on

08

10

2010

in the
State of

GA

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

07

01

2010

through

07

21

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Marian McKinney

Signature of Treasurer

Electronically Filed by Marian McKinney

Date

02

03

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FESAN018

12092680203

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINT ▼Example: If typing, type
over the lines

Friends of Ray

ADDRESS (number and street)

4243 Oak Park Hwy.

Check if different
than previously
reported. (ACC)

Lyons

GA

30436

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C00480848

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

STATE ▼ DISTRICT

GA

12

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

X October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 07 22 2010 through 09 30 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Marian McKinney

Signature of Treasurer

Electronically Filed by Marian McKinney

Date 02 03 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

12092680204

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

Friends of Ray

ADDRESS (number and street)

4243 Oak Park Hwy.

Check if different
than previously
reported. (ACC)

Lyons

GA

30436

2. FEC IDENTIFICATION NUMBER

C00480848

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS
REPORTNEW
(N)

OR

X

AMENDED
(A)

GA

12

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

X

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

02

2010

in the
State of

GA

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

10

01

2010

through

10

13

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Marian McKinney

Signature of Treasurer

Electronically Filed by Marian McKinney

Date

02

03

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

12092680205

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

Friends of Ray

ADDRESS (number and street)

4243 Oak Park Hwy.

Check if different
than previously
reported. (ACC)

Lyons

GA

30436

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00480848

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

STATE DISTRICT

GA

12

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

X

General (30G)

Runoff (30R)

Special (30S)

Election on

11

02

2010

in the
State of

GA

5. Covering Period

10

14

2010

through

11

22

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Marian McKinney

Signature of Treasurer

Electronically Filed by Marian McKinney

Date 02 16 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

12092680206



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

May 18, 2011

Marian McKinney, in official capacity as Treasurer
Friends of Ray
4243 Oak Park Hwy
Lyons, GA 30436

C00480848
AF# 2290

Dear Ms. McKinney:

On February 2, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Friends of Ray and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

12092680207



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director

From: Patricia Carmona
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2290 – Friends of Ray and Marian McKinney, in her official capacity as Treasurer (C00480848)

On February 2, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$3,850 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 15, 2011, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated May 17, 2011 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,850 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

12092680208

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2290 Friends of Ray and Marian McKinney, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2290 that Friends of Ray and Marian McKinney in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850; and
- (3) Send the appropriate letter.

12092680209

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2290
Friends of Ray and Marian McKinney, in)
her official capacity as Treasurer)
(C00480848))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 30, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2290:

1. Adopt the Reviewing Officer recommendation for AF# 2290 Friends of Ray and Marian McKinney, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2290 that Friends of Ray and Marian McKinney in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,850.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 1, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680210



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 7, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marian McKinney, in her official capacity as Treasurer
Friends of Ray
4243 Oak Park Highway
Lyons, GA 30436

C00480848
AF# 2290

Dear Ms. McKinney:

On February 2, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Ray and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. By letter dated February 7, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,850 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 15, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Friends of Ray and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,850 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on May 18, 2011.

On June 30, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Friends of Ray and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,850. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

12092680213

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,850 for the 2010 30 Day Post-General Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Ray

FEC ID#: C00480848

AF#: 2290

PAYMENT AMOUNT DUE: \$3,850

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000128500 BA# 1 12-12-11 20 4



usbankcorp.
The Star Bank Company

Robert J. or Marian Mc Kinney
[Redacted]
Lebanon, IL 62450

Date 11/15/11

8438
CS-8138/2631

PAY TO THE ORDER OF Federal Election Commission \$ 1,295⁰⁰ XX
Twelve hundred & eighty five dollars DOLLARS ☒ ☐
CENTRAL FLORIDA EDUCATORS
FEDERAL CREDIT UNION
P.O. BOX 785005
ORLANDO, FLORIDA 32878
End p. AF# 2290

For Praise The Lord Marian McKinney

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000128000 BA# 1 02-10-12 20 3



usbankcorp.
The Star Bank Company

GIVE ME YOUR TIRED, YOUR POOR

Marian Frances McKinney
Robert James McKinney
[Redacted]
Lebanon, IL 62450

Date 1/31/2012

4786
CS-8138-2631

PAY TO THE ORDER OF Federal Election Comm. \$ 1,280⁰⁰ XX
one thousand, two hundred & 80 DOLLARS ☒ ☐
CFE FEDERAL CREDIT UNION
ST. LOUIS, MISSOURI, MO. 63101-1000
U.S. BANK FOR 1280.00
For Praise The Lord Marian McKinney

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000128500 BA# 1 10-24-11 20 3



usbankcorp.
The Star Bank Company

GIVE ME YOUR TIRED, YOUR POOR

Marian Frances McKinney
Robert James McKinney
[Redacted]
Lebanon, IL 62450

Date 10/10/2011

4756
CS-8138-2631

PAY TO THE ORDER OF Federal Elect. Comm. \$ 1,285⁰⁰ XX
one thousand & two hundred & 85 DOLLARS ☒ ☐
CFE FEDERAL CREDIT UNION
AF# 2290
For Praise The Lord Marian McKinney



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2290

DATE SCANNED

3/20/12

SCANNER NO.

2

SCAN OPERATOR

EEJ

12092680215